

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary Public

Date: 7/15/2013

GAIN Report Number: RS1346

Russian Federation

Post: Moscow

SPS Border Control Authority to be Moved to Federal Customs Service

Report Categories:

Trade Policy Monitoring

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Approved By:

Christopher Riker

Prepared By:

Staff

Report Highlights:

A draft law published on the website of the Russian Ministry of Economic Development on July 5, 2013, proposes to transfer full authority over sanitary and phytosanitary (SPS) control at the border to the Russian Federal Customs Service. This draft also implies the complete withdrawal of Rosselkhoznadzor and Rospotrebnadzor personnel from the border, Russia's veterinary and sanitary services, respectively. Before it can go into effect, however, this law must be officially approved by the Russian Government and Duma, which can take as long as one year.

As of the date of the publication of this report, FAS/Moscow does not believe this measure has been notified to the World Trade Organization.

General Information:

A draft law published on the website of the Russian Ministry of Economic Development for regulatory impact assessment on July 5, 2013, proposes to transfer full authority over SPS control at the border to the Russian Federal Customs Service. This draft also implies complete withdrawal of Rosselkhoznadzor and Rospotrebnadzor personnel from the border, Russia's veterinary and sanitary services, respectively. Before it can go into effect, however, this law must be officially approved by the Russian Government and Duma, which can take as long as one year.

The draft law ["On Amendments to Certain Legal Acts of the Russian Federation in Connection with Improvements of the System of Entry through the State Border of the Russian Federation,"](#) prepared by the Russian Federal Customs Service, is the second step in the reform launched at the end of 2010 in order to implement the "one window" approach of customs control at the Russian border (for more details please see GAIN report [RS1104 Federal Law 394 Amends Custom SPS procedures](#)).

Currently, at the border, customs officers check sanitary, veterinary, and phytosanitary documents for goods imported by legal entities. If customs officers have doubts about the authenticity of documents or if they detect violations, the documents are passed on to Rospotrebnadzor or Rosselkhoznadzor officials, who are still present at the border, for their inspection.

The goal of the new draft law is to reduce the number of state regulatory authorities at checkpoints across Russia's border. To this end, the bill amends the Law of the Russian Federation of April 1, 1993, No. 4730-1 "On the State Border of the Russian Federation," the Law of the Russian Federation of May 14, 1993, No. 4979-1 "On Veterinary Medicine," the Federal Law of March 30, 1999, No. 52-FZ "On the Sanitary-Epidemiological Wellbeing of the Population," Federal law of January 2, 2000, No. 29-FZ "On the Quality and Safety of Food," and the Federal Law of July 15, 2000, No. 99-FZ "On Plant Quarantine."

Unofficial English translations of the relevant sections of the five laws, with amendments put forth by the proposed draft law (highlighted in red), can be found below.

As of the date of publication of this report, FAS/Moscow does not believe this measure has been notified to the World Trade Organization.

BEGIN UNOFFICIAL TRANSLATION:

Law of the Russian Federation of April 1, 1993, No. 4730-I
"On the State Border of the Russian Federation"
(As amended)

Article 28. The Powers of the Federal Executive Bodies

...

4. The federal executive ~~bodies~~ body, authorized in the field of customs affairs, carrying out customs control and in the cases stipulated by international treaties of the Russian Federation and federal laws, other forms of control at checkpoints across the State border, shall:

organize and carry out activities for the protection at the state border of economic, ~~environmental~~ and other interests of the individual, society and the state;

issue, within their competence, regulations that are binding for all legal and natural persons in the territory of the Russian Federation;

control compliance by enterprises, organizations, institutions, associations, citizens with the requirements of international treaties of the Russian Federation, legislation of the Customs Union and the Russian Federation~~-on matters within their competence~~;

establish controlling bodies (checkpoints)~~and~~, organize their work, and ensure the entry of data on the cargo, goods and animals being moved across the state border in an interagency information system. The regulation on the interagency information system shall be approved by the Government of the Russian Federation;

interact with ~~each~~ other federal executive bodies~~and~~;

assist border authorities in the protection of the state border;

cooperate in the protection of the state border with the relevant authorities of other countries.

~~4.1. Beyond the authorities specified in paragraph 4 of this Article, the customs bodies shall: produce certain actions related to the implementation of other types of control, in accordance with the laws of the Russian Federation;~~

~~ensure the entry of data on the cargo, goods and animals being moved across the state border in an interagency information system. The regulation on the interagency information system shall be approved by the Government of the Russian Federation.~~

...

Law of the Russian Federation of May 14, 1993, No. 4979-I
"On Veterinary Medicine"
(As amended)

Article 5. The organization of the State Veterinary Service of the Russian Federation

...

2. The system of the State Veterinary Service of the Russian Federation includes:

the federal executive body in the field of legal regulation in veterinary medicine;

the federal executive body for the provision of public services in the field of veterinary medicine and its subordinate organizations;

the federal executive body authorized in the field of customs affairs;

the federal executive body in the field of veterinary supervision and subordinate regional bodies;

veterinary (veterinary and sanitary) services of the federal executive bodies, in which military service is provided;

in the constituent territories of the Russian Federation - executive bodies of the constituent territories of the Russian Federation authorized in the field of veterinary medicine and their subordinate agencies.

...

Article 14. Protection of the territory of the Russian Federation from the import of contagious animal diseases from foreign countries

It is allowed to import to the Russian Federation healthy animals, as well as products of animal origin derived from healthy animals, feed, feed additives and medicines for animals from foreign countries that are free from contagious animal diseases (hereinafter in this article - the goods) in compliance with the veterinary legislation of the Russian Federation and the conditions stipulated by international treaties of the Russian Federation.

Goods (except for goods imported by individuals for personal, family, household and other non-entrepreneurial activities, as well as catches of aquatic biological resources harvested (caught) during fishing and fish and other products produced thereof) shall enter ~~the territory of~~ the Russian Federation through checkpoints across the state border of the Russian Federation specially equipped and designed for that purpose (hereinafter - specialized checkpoints). List of specialized checkpoints shall be determined according to a procedure, established by the Government of the Russian Federation.

The state veterinary supervision at checkpoints across the state border of the Russian Federation shall be exercised by customs officials.

~~For the implementation of measures to prevent the import of contagious animal diseases from foreign countries in specialized checkpoints~~ The state veterinary supervision in the territory of the Russian Federation (except for checkpoints across the state border of the Russian Federation) shall be exercised by officials of the federal executive body in the field of veterinary supervision ~~and the federal executive body in the field of defense shall organize veterinary border checkpoints.~~

~~In the course of the state veterinary supervision in specialized checkpoints, customs officials shall check the documents submitted by the carrier or a person acting on its behalf, upon entry of goods into the territory of the Russian Federation.~~

~~Upon results of the documents' check in specialized checkpoints customs officials shall make a decision on the release of the goods to the territory of the Russian Federation for their onward transportation in accordance with the customs procedure of customs transit, or on their immediate removal from the territory of the Russian Federation, or on forwarding them in specially furnished and equipped facilities (veterinary border checkpoints) in specialized checkpoints for inspection of goods by officials of the federal executive body in the field of veterinary supervision.~~

The procedure of state veterinary supervision at checkpoints across the state border of the Russian Federation ~~(including the procedure for the adoption of decisions by the customs bodies on the results of documents' checks in specialized checkpoints and the procedure for determining the type of goods in accordance with the Single Commodity Nomenclature of Foreign Economic Activity of the Customs Union, and the cases when goods need to be inspected)~~ shall be established by the Government of the Russian Federation.

Federal Law of March 30, 1999, No. 52-FZ
"On the Sanitary-Epidemiological Wellbeing of the Population"
(As amended)

Article 30. Sanitary Protection of the Territory of the Russian Federation

...

4. Sanitary and quarantine control of entry to the territory of the Russian Federation of dangerous shipments and goods at checkpoints across the state border of the Russian Federation shall be carried out by ~~a federal executive body in charge of the federal state sanitary and epidemiological supervision, as well as the customs bodies in terms of inspection of the documents in specialized checkpoints.~~

~~For the implementation of sanitary and quarantine control in specialized checkpoints, customs officials shall check the documents submitted by the carrier or a person acting on its behalf, upon arrival of goods and shipments to the territory of the Russian Federation.~~

~~Upon results of the documents' check customs officials shall make a decision on the import of goods and shipments to the territory of the Russian Federation for their onward transportation in accordance with the customs procedure of customs transit, or on their immediate removal from the territory of the Russian Federation, or on forwarding them into specially furnished and equipped facilities in specialized checkpoints for inspection of goods and shipments by officials of the federal executive body in charge of the federal state sanitary and epidemiological supervision.~~

The procedure of sanitary and quarantine control at checkpoints ~~across the state border of the Russian Federation (including the procedure for the adoption of decisions by the customs bodies upon the results of documents' checks in specialized checkpoints and the procedure for determining the type of goods in accordance with the Single Commodity Nomenclature of Foreign Economic Activity of the Customs Union, and the cases when goods need to be inspected)~~ shall be established by the Government of the Russian Federation.

...

Article 46. Organization of the Federal State Sanitary and Epidemiological Supervision

...

2. The federal system of state sanitary and epidemiological supervision includes:

authorized federal executive body carrying out the federal state sanitary and epidemiological supervision;

authorized federal executive body carrying out the federal state sanitary and epidemiological supervision in organizations in certain industries with particularly dangerous labor conditions and in certain territories of the Russian Federation on a list approved by the Government of the Russian Federation;

the federal executive body authorized in the field of customs affairs, carrying out sanitary and quarantine control of entry to the territory of the Russian Federation of dangerous shipments and goods at checkpoints across the state border of the Russian Federation;

territorial authorities of the stated federal executive bodies created according to the procedure established by the legislation of the Russian Federation for the implementation of the federal state sanitary and epidemiological supervision in the Russian constituent territories, municipalities, transport, as well as organizations in certain industries with particularly dangerous labor conditions and in certain territories of the Russian Federation on a list approved by the Government of the Russian Federation;

structural units of the federal executive bodies on issues of defense, internal affairs, security, justice, control of narcotic drugs and psychotropic substances, carrying out federal state sanitary and epidemiological supervision, respectively, in the Armed Forces of the Russian Federation, other troops, military units, defense facilities of and defense production facilities, security, and other special purposes (hereinafter - defense and other special purpose facilities);

federal agencies and federal state unitary enterprises subordinate to the federal executive bodies exercising federal state sanitary and epidemiological supervision and carrying out their activities in order to ensure the stated supervision.

...

"On the Quality and Safety of Food" (As amended)

Article 13. State Supervision in the Field of Quality and Safety of Food Products, Materials and Products

1. State supervision in the field of quality and safety of food products, materials and products is carried out by federal executive bodies, executive bodies of the constituent territories of the Russian Federation authorized to exercise accordingly federal state sanitary and epidemiological supervision, federal state veterinary supervision, regional state veterinary supervision, according to their competence per the procedure established by the Government of the Russian Federation.

State supervision in the field of ensuring the quality and safety of food products, materials and products at checkpoints across the state border of the Russian Federation shall be exercised by the customs bodies.

2. The provisions of the Federal Law of December 26, 2008, No. 294-FZ "On the Protection of Rights of Legal Entities and Individual Entrepreneurs in the Exercise of State Control (Supervision) and Municipal Control" and the Federal Law of December 27, 2002, No. 184-FZ "On Technical Regulation" shall apply to relations arising from the implementation of state supervision in the field of quality and safety of food products, materials and products, the organization and conduct of inspections of legal entities and individual entrepreneurs.

3. ~~The federal executive~~Customs bodies ~~referred to in paragraph 1 of this Article~~ shall carry out respectively sanitary and quarantine control and veterinary control of food, materials and products (with the exception of food, materials and goods imported by individuals for personal, family, household and other non-entrepreneurial activities, and catches of aquatic biological resources harvested (caught) during fishing and fish and other products produced thereof,) imported ~~into the territory of~~ the Russian Federation, through checkpoints across the state border of the Russian Federation specially equipped and designed for that purpose (hereinafter - specialized checkpoints). List of specialized checkpoints and procedures for sanitary and quarantine control and veterinary control of food, materials and products imported ~~into the territory of~~ the Russian Federation ~~(including the procedure for control exercised by customs bodies and the adoption of decisions by customs bodies upon the results of documents' checks in accordance with item 4 of the present Article and the procedure for determining the type of goods in accordance with the Single Commodity Nomenclature of Foreign Economic Activity of the Customs Union, and the cases when goods need to be inspected)~~ shall be established by the Government of the Russian Federation.

~~4. The federal executive body authorized in the sphere of customs affairs, is involved in the exercise of state supervision in the field of quality and safety of food products, materials and goods through the checking of documents submitted by the carrier or a person acting on its behalf upon arrival of food, materials and products in the Russian Federation by customs officials in specialized checkpoints.~~

~~The second paragraph repealed as of August 1, 2011.~~

~~Upon results of the documents' check customs officials shall make a decision on the import of food products, materials and products to the territory of the Russian Federation for their onward transportation in accordance with the customs procedure of customs transit, or on their immediate removal from the territory of the Russian Federation, or on forwarding them into specially furnished and equipped facilities in specialized checkpoints for inspection of food products, materials and products by~~

~~officials of the federal executive bodies in charge of the federal state sanitary and epidemiological supervision, federal state veterinary supervision, regional state veterinary supervision.
Paragraph four repealed as of August 1, 2011.~~

**Federal Law of July 15, 2000, No. 99-FZ
"On Plant Quarantine"
(As amended)**

Article 9. Protection of the territory of the Russian Federation from quarantine facilities

It is allowed to import to ~~the territory of~~ the Russian Federation quarantine goods (quarantine material, quarantine shipment) provided that there are import documents for the said products as well as documents confirming compliance of such products with the requirements of international treaties of the Russian Federation regarding plant quarantine, rules and norms of ensuring plant quarantine.

It is prohibited to import to ~~the territory of~~ the Russian Federation quarantine goods (quarantine material, quarantine shipment) infected with quarantine objects (except as provided by the rules and regulations to ensure the quarantine of plants), as well as quarantine goods (quarantine material, quarantine shipment) if during their import the rules and regulations to ensure the plant quarantine are violated.

Quarantine goods (quarantine material, quarantine shipment,) ~~(except for goods imported by individuals for personal, family, household and other non-entrepreneurial activities,)~~ shall enter ~~the territory of~~ the Russian Federation through checkpoints across the state border of the Russian Federation specially equipped and designed for that purpose (hereinafter - specialized checkpoints,) where border plant quarantine checkpoints are to be established in accordance with the rules and norms to ensure the quarantine of plants. List of specialized checkpoints shall be determined according to a procedure, established by the Government of the Russian Federation.

Quarantine goods (quarantine material, quarantine shipment,) imported ~~into the territory of~~ the Russian Federation shall be subject to the mandatory quarantine phytosanitary control.

~~Part five repealed as of August 1, 2011.~~

Quarantine phytosanitary control ~~in the checkpoints across the state border of the Russian Federation over during~~ the import ~~into the territory of~~ the Russian Federation and export from ~~the territory of~~ the Russian Federation of quarantine goods (quarantine material, quarantine shipment) shall be carried out by the ~~body of state supervision, as well as~~ customs bodies.

~~Quarantine phytosanitary control in the rest of the Russian Federation during the import to the Russian Federation and export from the Russian Federation of quarantine goods (quarantine material, quarantine shipment) shall be carried out by the body of state supervision.~~

~~In the course of the state quarantine phytosanitary supervision in specialized checkpoints, customs officials shall check the documents submitted by the carrier or a person acting on its behalf, upon entry of the quarantine goods (quarantine material, quarantine shipment) into the territory of the Russian Federation.~~

~~Upon results of the documents' check customs officials shall make a decision on the import of the quarantine goods (quarantine material, quarantine shipment) to the territory of the Russian Federation for their onward transportation in accordance with the customs procedure of customs transit, or on their immediate removal from the territory of the Russian Federation, or on forwarding them in specially furnished and equipped facilities (border plant quarantine checkpoints) in specialized~~

~~checkpoints for inspection of the quarantine goods (quarantine material, quarantine shipment) by officials of the federal executive body for the provision of plant quarantine.~~

The procedure of state quarantine phytosanitary supervision at checkpoints across the state border of the Russian Federation ~~(including the procedure for the adoption of decisions by the customs bodies on the results of documents' checks in specialized checkpoints and the procedure for determining the type of quarantine goods (quarantine material, quarantine shipment) in accordance with the Single Commodity Nomenclature of Foreign Economic Activity of the Customs Union, and the cases when quarantine goods (quarantine material, quarantine shipment) need to be inspected)~~ shall be established by the Government of the Russian Federation.

The import to ~~the territory of~~ the Russian Federation of quarantine facilities for scientific research shall be governed by the rules and regulations to ensure the quarantine of plants.

It is prohibited to use quarantine facilities, infected with quarantine objects, except as established by the rules and regulations to ensure the quarantine of plants.

It is prohibited to apply quarantine phytosanitary measures and restrictions (in any form) for tasks not related to the provision of the plant quarantine.

In case of violations of the requirements established by this Federal Law, the officials of the bodies of state control (supervision) shall take measures to prevent violations and (or) their consequences in accordance with the legislation of the Russian Federation.

END UNOFFICIAL TRANSLATION.